

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WILLIAM CHARLES PARKER,

Petitioner,

v.

CIVIL ACTION NO. 3:07-CV-35
(BAILEY)

JOYCE FRANCIS,

Respondent.

JUDGMENT ORDER

By Standing Order entered on March 24, 2000, and filed in this case on March 21, 2007, this action was referred to United States Magistrate Judge James E. Seibert for submission of proposed report and a recommendation [“R & R”]. Magistrate Judge Seibert filed his R & R on March 21, 2007 [Docket 4]. In that filing, the magistrate judge recommended that this Court deny Petitioner's application under 28 U.S.C. § 2241 for writ of habeas corpus and dismiss without prejudice to Petitioner's right to refile his claims in a civil rights action.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R & R were due by April 4, 2007, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). No objections have been filed.

The Court adopts the recommendations of Magistrate Judge Seibert. Accordingly, the Court hereby **DENIES** Petitioner's application under 28 U.S.C. § 2241 for writ of habeas corpus and **DISMISSES** this matter without prejudice to Petitioner's right to refile his claims in a civil rights action. The Court further **ORDERS** this action to be removed from the Court's docket.

The Clerk is directed to mail a certified copy of this Judgment Order to all counsel of record, the plaintiff, pro se, and Magistrate Judge Seibert.

DATED: April 27, 2007

/s/ John Preston Bailey
JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE